

REMARKS*Regarding the Drawings*

The OA noted that replacement sheet corrections to Figure 6 mentioned in the Reply of 12/15/2006 were not included with that reply. The undersigned regrets the oversight. Replacement drawings are included with this Reply.

Figure 6 has been corrected. Specifically, "Gets et operation and features" in step 30 was corrected to "Get set operation and features"; and "Free result resources" in step 60 was corrected to "Free result resources."

Regarding the Claim Rejections – 35 USC §101

The undersigned renews each argument made with regard to the patentability of claims 21-40. The PTO has yet to state a *prima facie* case of unpatentability under 35 USC §101.

The OA now asserts that the pending claims are:

... directed merely to the manipulation of an abstract idea ... without resulting in a practical application producing a concrete, useful, and tangible result.

... the claims are directed to a "mathematical algorithm" that is not limited to a practical application ...

... with the broadest reasonable interpretation, performing Boolean operations in a digital computer among two **regions** is not necessarily to have any correspondence to something thing in the real world.

First, the OA's assertion regarding "broadest reasonable interpretation" is incomplete. The actual citations to the PTO's approach to claim interpretation during examination reads (bold emphasis added):

*During patent examination, the pending claims must be "given their broadest reasonable interpretation **consistent with the specification.**" The Federal Circuit's en banc decision*

in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

*The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their **broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art."** In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed*

The current rejection under 35 U.S.C. §101 does not take this approach. Instead, it relies on a source outside the application to justify an interpretation (i.e., "region" is not "real world") that is not commensurate with the specification, and that one of ordinary skill in the art of the invention simply would not make.

Further, the OA presents a test (i.e., "real world") that is not supported by statute, case law, or regulation.

To the extent that the OA interprets the term "region" as having no "correspondence to something in the real world" and as a basis for rejecting the claims as not directed to eligible subject matter, the OA does not give the term "region" a reasonable construction (broadest or otherwise) in light of the specification as it would be interpreted by one of ordinary skill in the art.

For example, paragraph [0003] discloses that "regions" include the objects on which Boolean operations are performed, and that these regions can correspond to:

The determination of regions "within 100 miles of Oklahoma City possessing a slope less than 3 degrees where wheat is grown" can be determined by performing Boolean set intersections between a circular region with radius 100 miles about Oklahoma City, a map product depicting slopes, and a land use product depicting agricultural crops. Ground-based target locations for military applications can often be significantly refined by intersecting sensor generated error ellipses with domain features that favor the presence of such vehicles (roads, high mobility regions, and regions that afford cover and concealment), while de-emphasizing regions that do not favor such vehicles (swamps and waterways). Each of these examples relies on Boolean set operation computation among potentially large 2-D spatially-organized data sets.

For at least these reasons, the OA does not state a *prima facie* case of unpatentability, and the undersigned requests that the rejection be withdrawn.

Regarding New Claims 41-50

Nonetheless, anticipating that the Office will assert, without support, that the arguments have been “fully considered” and are “not persuasive,” new claims 41-50 have been added that further describe the regions as “*geographic*” regions. Explicit support for this can be found in paragraph [0003] of the specification as noted above.

CONCLUSION

The foregoing is submitted as a full and complete response to the OA mailed 01/12/07. With consideration of the above remarks, the undersigned submits that this application is in condition for allowance, and such disposition is earnestly solicited.

No new matter has been added to the disclosure. An examination on the merits at your earliest convenience is respectfully requested. Please contact undersigned with any questions that will expedite prosecution.

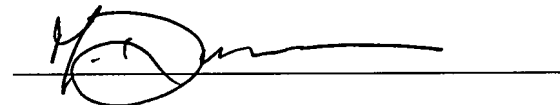
The undersigned requests an interview with the Examiner at the earliest mutual convenience of the Examiner, the undersigned, and the Applicant.

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Date: 04/06/07

Respectfully submitted,



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